

# **MONTGOMERY COUNTY DEPARTMENT OF POLICE**



## **INTERNAL AFFAIRS DIVISION ANNUAL REPORT 2021**

## DIRECTOR'S MESSAGE

The Montgomery County Police Department (MCPD) is committed to building and maintaining public trust through transparency, communication, and accountability. All MCPD employees are expected to perform assigned duties and conduct themselves in a respectful, unbiased, and professional manner. As part of the accountability process, MCPD encourages any member of the public, including members of the department, to file a complaint when they believe a department employee, either a sworn police officer or a non-sworn professional staff member, has acted in a manner that is not consistent with department policy, or county, state, or federal law.



In 2021, when a complaint alleging misconduct was brought to the department's attention, either by an external or internal source, it was to be forwarded to the Internal Affairs Division (IAD) for review by the Director and/or Deputy Director. IAD was responsible for conducting and managing the administrative investigations into allegations of employee misconduct and ensuring that all investigations were conducted in a thorough, fair, unbiased, and timely manner. IAD was also responsible for capturing, maintaining, and reporting statistical information concerning the complaints received by the department, the allegations made against MCPD employees, and the results of all administrative investigations, including any disciplinary actions imposed by the Chief of Police.

In keeping with MCPD's promise of transparency, this 2021 Internal Affairs Division Annual Report was prepared by IAD and is being provided on behalf of Chief Marcus Jones. This annual report contains statistical information that was captured for 2021. As an agency, MCPD is committed to providing the highest quality of police services to those who live, work, and visit Montgomery County, Maryland. As such, MCPD would like to take this opportunity to thank all those who took the time to bring concerns relating to the actions of MCPD employees to our attention, as it afforded our department an opportunity to review, evaluate, and appropriately address the actions of its employees. It also afforded our department with an opportunity to communicate with members of the public who had brought forth concerns. Whether the outcome was corrective counseling, additional training, disciplinary action for an employee, or explaining to a concerned citizen why an employee's actions were deemed to be appropriate and consistent with department policy, each complaint that was brought to our attention provided MCPD with an opportunity to evaluate our performance, hold ourselves accountable, and communicate with a member of the public who had concerns.

In moving forward in 2022, MCPD encourages members of the public to continue to communicate any concern they may have with the actions of MCPD employees, as the department will always strive to better itself and provide the highest quality of policing and public safety services.

A handwritten signature in black ink that reads "M. Tompkins".

Captain Monique Tompkins  
Director, Internal Affairs Division

## THE INTERNAL AFFAIRS PROCESS

The Montgomery County Police Department (MCPD) recognizes the importance of having a complaint process so that any concern regarding the actions of an MCPD employee can be brought to the police department's attention for review and the appropriate handling. MCPD also recognizes the importance of having a disciplinary process to properly address and correct any action of behavior by a department employee that is deemed to be inappropriate or inconsistent with department policy. As such, MCPD utilizes a multi-level review process, described below, which enables the department to investigate complaints, address allegations of misconduct by employees, identify any failures in department policy, and protect employees from unwarranted criticism for properly performing their assigned duties.

MCPD policy requires complaints to be received courteously by any police department employee. To ensure that members of the public and MCPD employees feel comfortable and able to express their concerns, the department will accept complaints in person, by mail, e-mail, fax, or over the telephone. Anonymous complaints will also be accepted. Additionally, MCPD provides a complaint form (MCP 580) at all six (6) District police stations and the Executive Office Building (EOB), located in downtown Rockville, Maryland, or one can be downloaded and printed from the department's webpage at <http://www.montgomerycountymd.gov/pol/chief/iad/index.html>. The complaint forms are also available in a variety of different languages.

A thorough review of all complaints, regardless of their source or anonymity, is conducted by the Director and/or Deputy Director of the Internal Affairs Division (IAD). That executive review and preliminary investigation are conducted to determine the merit of the complaint and whether the allegation of misconduct is of a serious or minor nature. The complaints containing what is deemed to be minor allegations of misconduct are customarily sent to the commanding officer or division director of the involved employee for inquiry (intake) assignment by their immediate supervisor. An intake can result in either corrective action, such as non-disciplinary verbal counseling or training, or no corrective action. Examples of minor allegations of misconduct include traffic offenses (such as speeding), a lack of courtesy towards a citizen (such as the use of profanity), or a performance-related action or deficiency. The results of the intake are documented and reviewed by the involved employee's commanding officer and Bureau Chief.

Investigative sergeants assigned to IAD conduct formal administrative investigations concerning serious allegations of misconduct by department employees. Some examples of serious allegations of misconduct include excessive use of force, discrimination, use of alcohol on duty, and theft.

All formal investigations into allegations of misconduct by police officers which can lead to a disciplinary action must be conducted in accordance with state law and the Law Enforcement Officers' Bill of Rights (LEOBR), Sections 3-101 through 3-112 of the Public Safety Article, Annotated Code of Maryland. The LEOBR applies only to sworn agency personnel (police officers).

Additionally, internal discipline is separate from punishment that an employee can face as a result of a criminal charge. If an employee is the subject of a criminal investigation or charge, the internal administrative investigation relating to the same matter will not be conducted until the conclusion of the criminal investigation/hearing.

Upon completion of an IAD administrative investigation, the investigator will submit their investigative report and case file for review by the IAD Deputy Director and Director. Once the IAD Director determines that the investigation is thorough and complete, a copy of the investigative report and case file will be forwarded to the involved employee's commanding officer or division director for review and an initial finding report, which is submitted to the IAD Director. If either the IAD Director or the commanding officer/division director believes any allegations should be sustained, then the case will be presented to the Internal Investigative Review Panel (IIRP)

for a final determination regarding any sustained allegation(s).

The IIRP consists of the Assistant Chiefs, the IAD Director, and the involved employee's commanding officer/division director. The IIRP will also make recommendations for disciplinary action for each sustained charge, which will be presented to the Chief of Police.

When an IAD investigation results in a sustained charge (which is a finding that an employee engaged in misconduct by violating a law or an MCPD rule, policy, or procedure), that employee is subject to disciplinary action. Discipline can range from an oral admonishment, a written reprimand, hours of suspension, demotion, and dismissal. The ultimate authority for disciplinary action involving all employees (sworn and non-sworn) rests with the Chief of Police, who can increase, decrease, or concur with the IIRP's disciplinary recommendation(s).

The involved employee is then served with an administrative statement of charges, which outlines each charge, the specification for each charge, and the disciplinary action being imposed by the Chief of Police for each charge. The employee may accept the recommended disciplinary action or appeal the decision of the Chief of Police. The Fraternal Order of Police (FOP) Collective Bargaining Agreement (CBA) and the LEOBR permit officers to appeal discipline issued by the Chief of Police via a hearing board process. Civilian disciplinary actions are appealed through procedures established via collective bargaining and the Office of Human Resources (OHR). In 2009, the Maryland Court of Special Appeals ruled in favor of the county regarding the use of summary punishment under Section 3-111 of the Public Safety Article. Summary punishment imposed under Section 3-111 may not exceed suspension of three (3) days without pay or a fine of \$150.

Summary punishment may be imposed for minor violations of law enforcement agency rules and regulations if the facts that constitute the violation are not in dispute, the law enforcement officer waives a hearing, and the law enforcement officer accepts the punishment imposed by the highest-ranking law enforcement officer, or individual acting in that capacity, of the unit to which the law enforcement officer is assigned.

The majority of summary punishment offers made to resolve disciplinary cases involving sworn personnel are accepted. The full implementation of summary punishment has allowed officers the ability to accept disciplinary offers provided the officer does not dispute the facts of the case at the time of the offer. This has helped significantly reduce the total time between the initiation of a case and case completion.

A police officer can request to be heard before an Administrative Hearing Board if they dispute the findings of the IAD investigation and/or the recommended discipline imposed by the Chief of Police. In accordance with the Annotated Code of Maryland, Public Safety Article, Section 3-107 (e)(1)(ii), "the [Administrative] hearing shall be open to the public, unless the Chief finds a hearing must be closed for a good cause, including protecting a confidential informant, an undercover officer, or a child witness." If a hearing board is scheduled, information regarding the date and time will be posted on the following IAD website:

<https://www.montgomerycountymd.gov/pol/chief/iad/hearingboardschedule.html>.

It should be noted that officers have the right to settle their case prior to the start of any hearing board. Therefore, please contact the Internal Affairs Division at 240-773-6000 or check the website the morning of a scheduled hearing board to confirm that the scheduled hearing is still taking place. All visitors must pass through a security screening process upon entry to the building.

It should also be noted that some of the above referenced IAD and disciplinary processes will be modified in 2022 in order to meet the legal requirements as enumerated in House Bill 670 (the Maryland Police Accountability Act of 2021) which takes effect on July 1, 2022.

## OVERVIEW

The data outlined in this report shows the following outcomes for 2021:

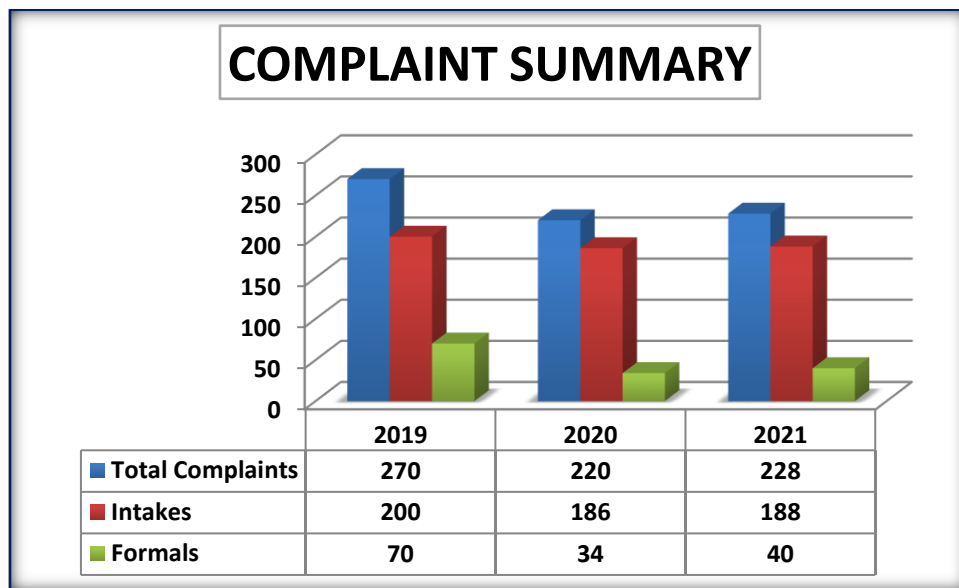
- ❖ IAD received 228 complaints, which is an increase of 4% compared to 2020.
- ❖ IAD opened 129 cases, of which 40 were assigned as *formal* investigations.
- ❖ *Intake* investigations comprised 82% of all cases, and *formal* investigations comprised the remaining 18%.
- ❖ *Intake* investigations increased 1% and *formal* investigations increased 18% from 2020.
- ❖ There was a total of 99 complaints declined for investigation by IAD. (*Please refer to the note on page 6 for an explanation concerning the reasons a complaint would be declined for investigation.*)
- ❖ A total of 5 of the 40 *formal* investigations initiated in 2021 are now closed, and it took an average of 271 days to close each case.
- ❖ 93% of the personnel who were the subject of complaints were *sworn* officers, and 7% were *civilian* personnel.
- ❖ *Neglect of Duty/Unsatisfactory Performance* was the most common allegation, which comprised 43% of the allegations made against department employees, followed by *Conformance to Law* (25%), and *Courtesy* (9%). Overall, these three complaint types comprised 77% of the allegations made against department employees.
- ❖ There were 199 known employees who were the subject of an allegation. There were 106 complaints which involved multiple allegations, and there were 30 *sworn* officers who had more than one complaint initiated against them. Additionally, there were 43 complaints in which the complainant did not provide enough information to identify one or more employees, or the employee identified was not a Montgomery County Police employee.
- ❖ 68% of the allegations received involved employees assigned to the Patrol Services Bureau (PSB).
- ❖ 67% of the known employees who were subjects of complaints identify as *Caucasian*, 14% identify as *African American*, 14% identify as *Hispanic*, and 5% identify as *Asian*.
- ❖ 88% of the known employees who were the subjects of complaints identify as *male*, and 12% identify as *female*.
- ❖ 20% of the employees investigated by IAD were in the 21-29 age group, 26% were in the 30-39 age group, 32% were in the 40-49 age group, and the remaining 22% of employees were 50 and older.
- ❖ 23% of the employees who were the subject of a complaint served on the department for 0-5 years, 30% served on the department for 6-15 years, and 47% served on the department for 16 years or more.

## COMPLAINT SUMMARY

In 2021, there were 129 cases opened by the Internal Affairs Division, with a total of 448 allegations recorded. 82% of the cases were assigned as *Intake* investigations, while 18% of the cases were assigned as *formal* investigations.

### Complaint Types

The following statistics reflect a three-year comparison, as well as an analysis of the complaints received involving both *sworn* and *civilian* personnel.



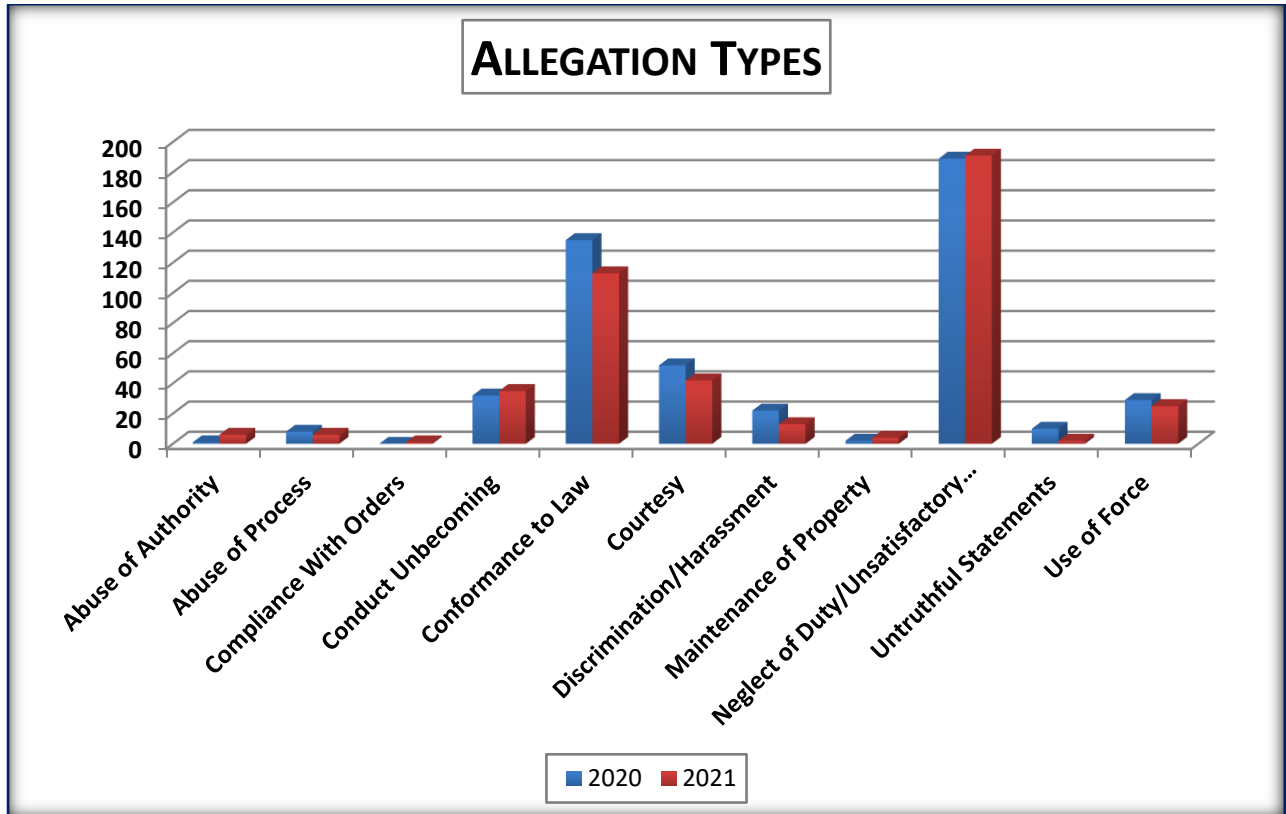
The data reflects a 4% increase in the number of complaints received in 2021 compared to 2020, and a 16% decrease from 2019. *Intake* investigations increased from 2020 to 2021 by 1%, and *formal* investigations increased by 18%.

There was a total of 99 complaints that were declined for investigation by IAD in 2021. (*\*See the note below for further explanation.*)

\*Note: A complaint is declined for investigation when an executive review and preliminary investigation determine that the complaint did not include sufficient information to identify a potential violation of department policy or county, state, or federal law; the alleged involved employee cannot be identified; the subject of the complaint is not employed by MCPD; or video evidence, such as a body worn camera recording, clearly establishes that the employee was in compliance with department policy.

## Allegation Types

The following chart summarizes the *types of allegations* received by IAD in 2021.



*Note: There may be more than one allegation made against an employee.*

In 2021, *Neglect of Duty/Unsatisfactory Performance* was the most common allegation received, which comprised 43% of the allegations made against department employees, followed by *Conformance to Law* (25%), and *Courtesy* (9%). Overall, these three complaint types were responsible for more than three-quarters (77%) of the allegations received in 2021, which is consistent with data from 2020. Some examples of these allegations include an employee failing to perform a duty/task in an appropriate and satisfactory manner, committing a traffic violation (such as speeding or a parking offense), cursing at members of the public, acting in a rude manner, or losing their temper.

## Disposition of Investigations

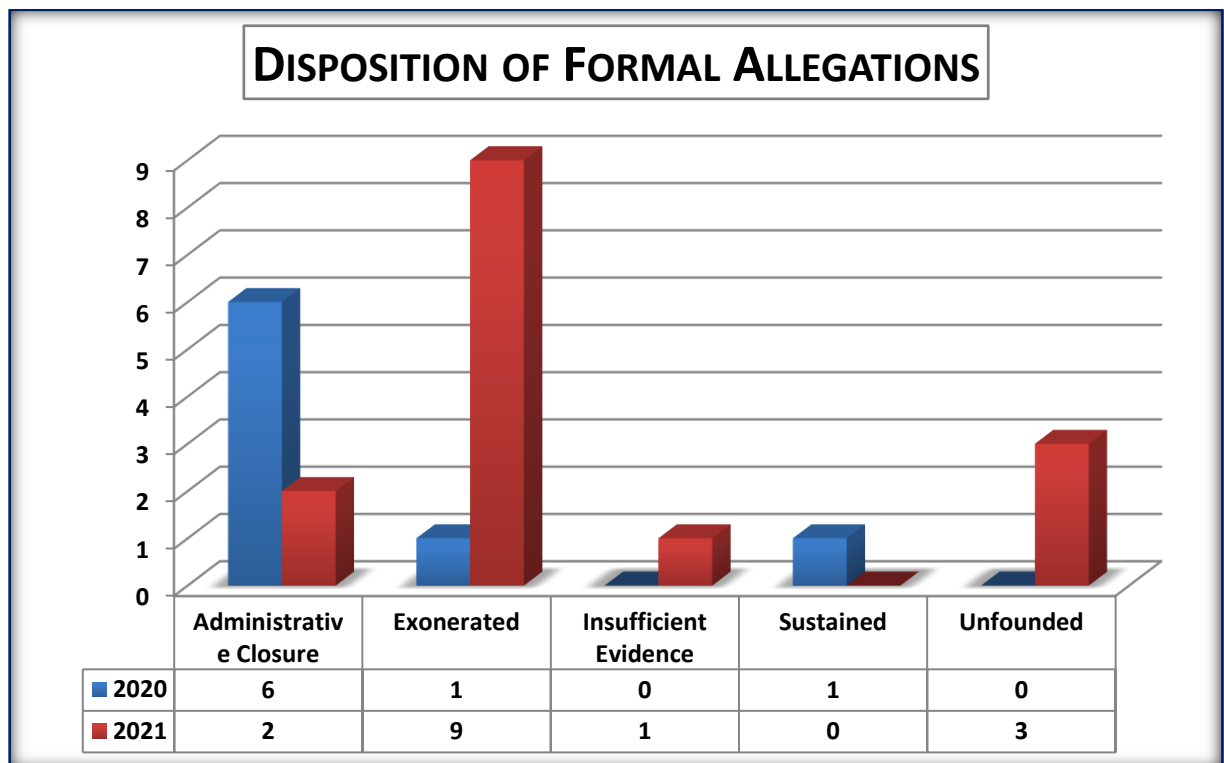
In 2021, a total of 40 *formal* investigations were assigned to IAD investigators. Of those cases assigned in 2021, 5 are now closed. Those cases averaged 271 days to close. Cases are put on hold pending the completion of all criminal investigations involving the matter, but the number of days the case is held is still included within this average.

\*Note: Formal investigations generally take longer to complete for a variety of reasons. They often involve multiple allegations, and many involve multiple employees. The nature of these types of investigations can be serious and complex, and all formal investigations are governed by the laws and procedures relating to employee rights, which also includes the employee's right to appeal.

In 2021, there were 106 complaints which involved multiple allegations, and there were 30 employees who had multiple complaints.

In 2021, there were 40 formal investigations involving 120 allegations against 46 individual employees (and 5 allegations which involved non-employees) compared to 2020 in which there were 34 formals involving 137 allegations against 43 employees. The data indicates that while the number of formals increased, the number of allegations contained within those formals decreased from 2020 to 2021.

The chart below provides a summary of the *dispositions* of the formal investigations opened in 2021 which are now closed.



*Note: There are 35 (out of 40) formal investigations initiated in 2021 that remain open at the time of this report.*

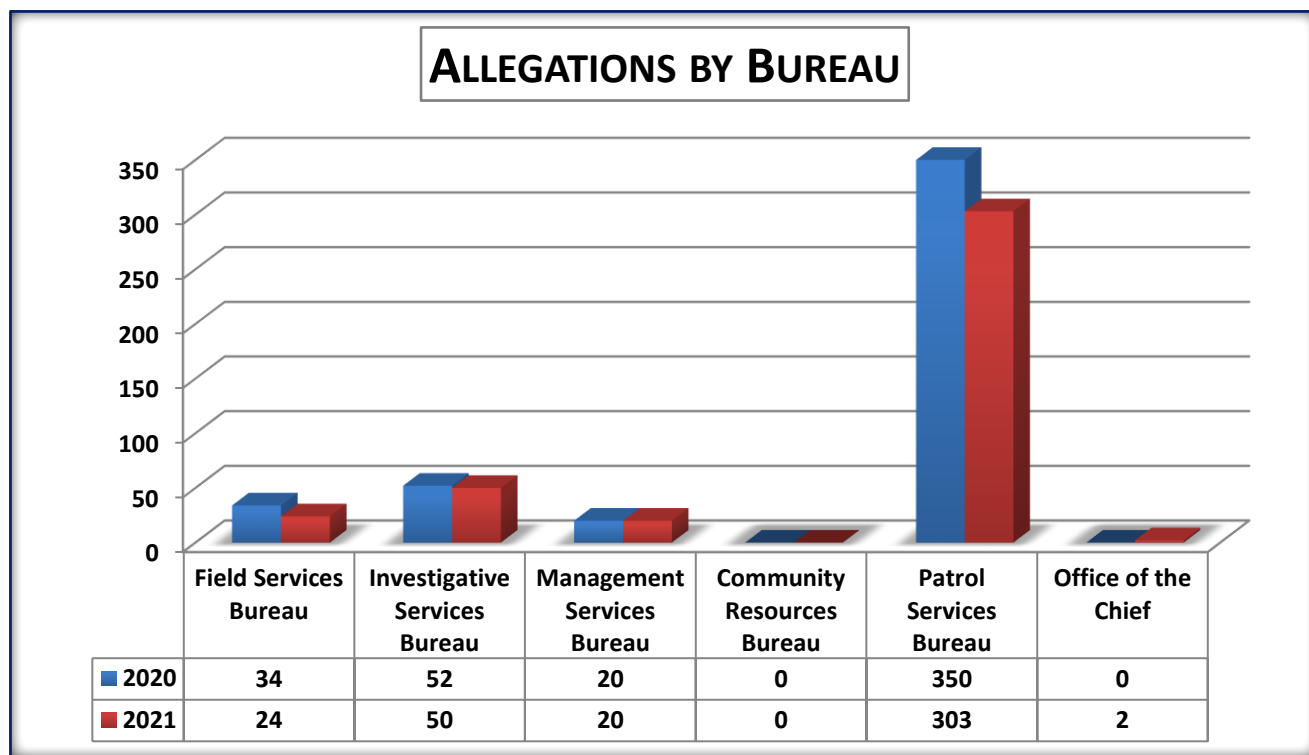


The following is a list of definitions for each of the dispositions shown in the referenced chart.

- *Administrative Closure:* An administrative conclusion used to terminate an internal investigation which cannot proceed to a normal conclusion (*e.g., because of an uncooperative complainant*).
- *Exonerated:* The incident did occur, but the actions of the involved employee(s) were justified, lawful, and proper.
- *Insufficient Evidence:* The investigation failed to disclose sufficient evidence to prove or disprove the allegation.
- *Sustained:* The investigation disclosed sufficient evidence to prove an allegation of misconduct.
- *Unfounded:* The investigation of the complaint reveals that the acts complained of did not occur.

### ***Allegations by Bureau***

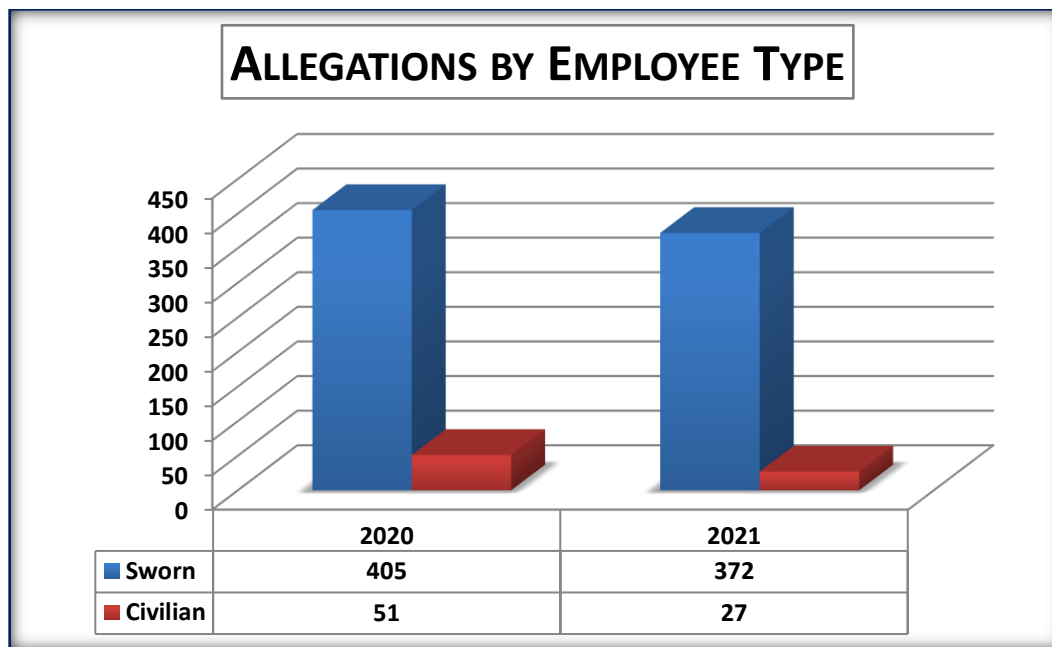
The below referenced chart provides a breakdown of the bureaus within the department that employees were assigned to at the time the allegations were made against them. Each bureau falls under the management of an Assistant Chief of Police.



The data indicates that 68% of the allegations made in 2021 involved employees assigned to the *Patrol Services Bureau* (PSB), compared to 77% of the allegations received in 2020. PSB is the largest bureau in the department and is comprised primarily of sworn officers assigned to the department's six police districts.

### ***Allegations by Employee Type***

The chart below provides a breakdown of *allegations by employee type* for known employees who were the subject of a complaint in 2021.

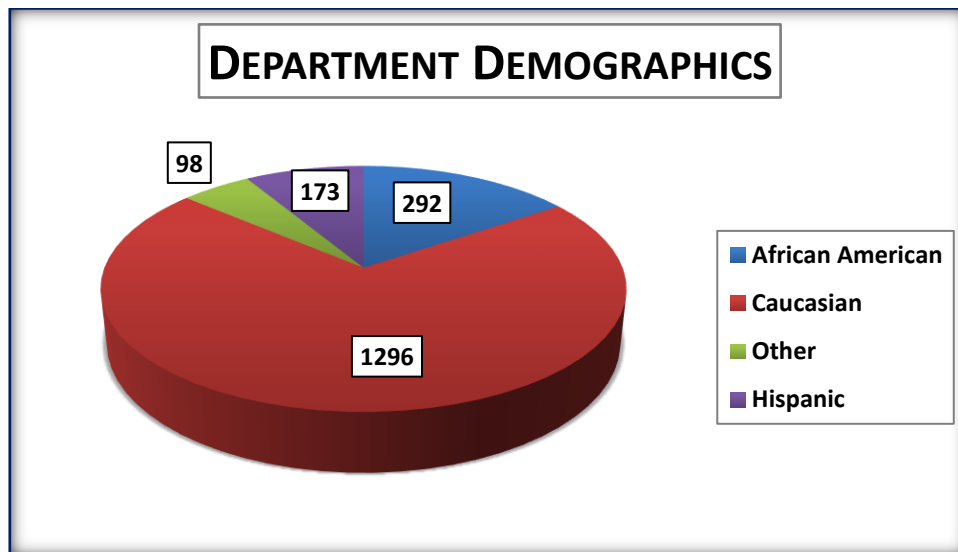


The data shows that 93% of the known employees who were the subject of a complaint were *sworn* personnel, and 7% were *civilian* members of the department.

The following series of charts provide a summary of the *demographics* of those known employees who were the subject of a complaint received in 2021. This includes the *race/ethnicity*, *gender*, and *age* of the employees, as well as their *years of service* with the department at the time the complaint was made, based on available data. It should be noted that complaints are sometimes made against unknown employees for which the complainant does not have a name and can only provide a partial description.

## **DEMOGRAPHICS**

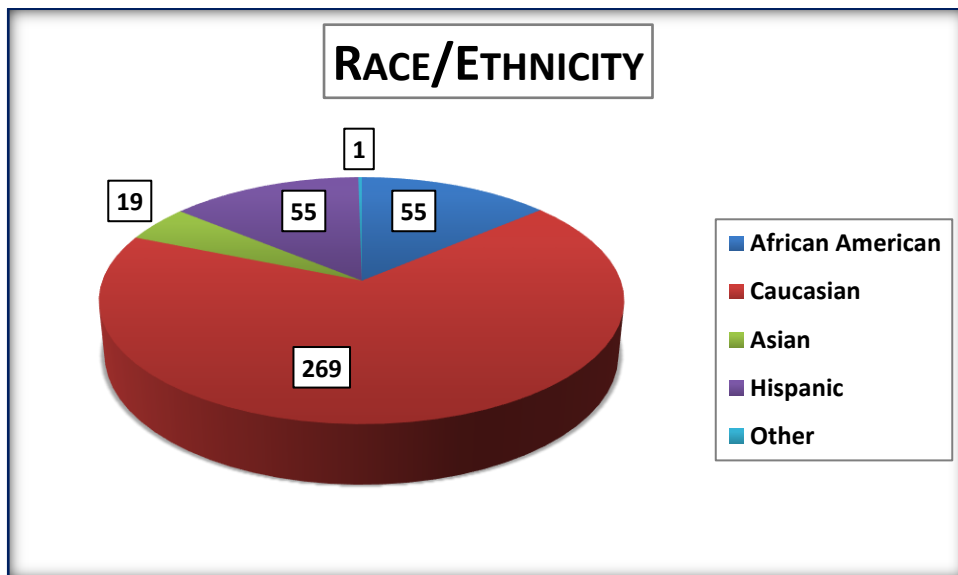
The following chart represents the *department's demographics* as of December 2021.



The data shows that approximately 16% of the department's personnel identify as *African American*, 70% identify as *Caucasian*, 9% identify as *Hispanic*, and 5% are identified as *Other*.

#### ***Race/Ethnicity***

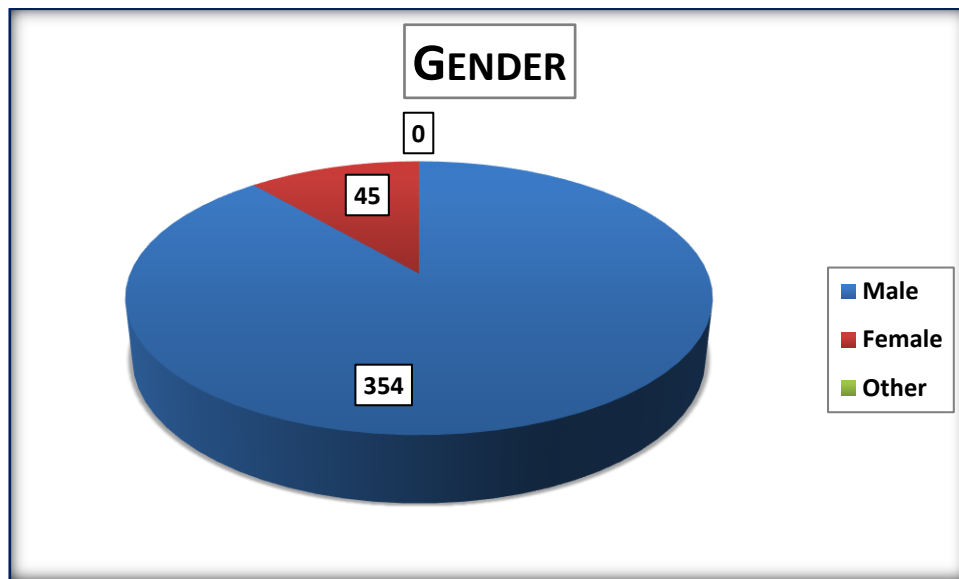
The following chart provides a summary of the *race/ethnicity* of those employees who were the subject of a complaint received in 2021.



In 2021, 14% of the employees who were the subject of complaints identify as *African American*, 67% identify as *Caucasian*, 5% identify as *Asian*, and 14% identify as *Hispanic*.

## Gender

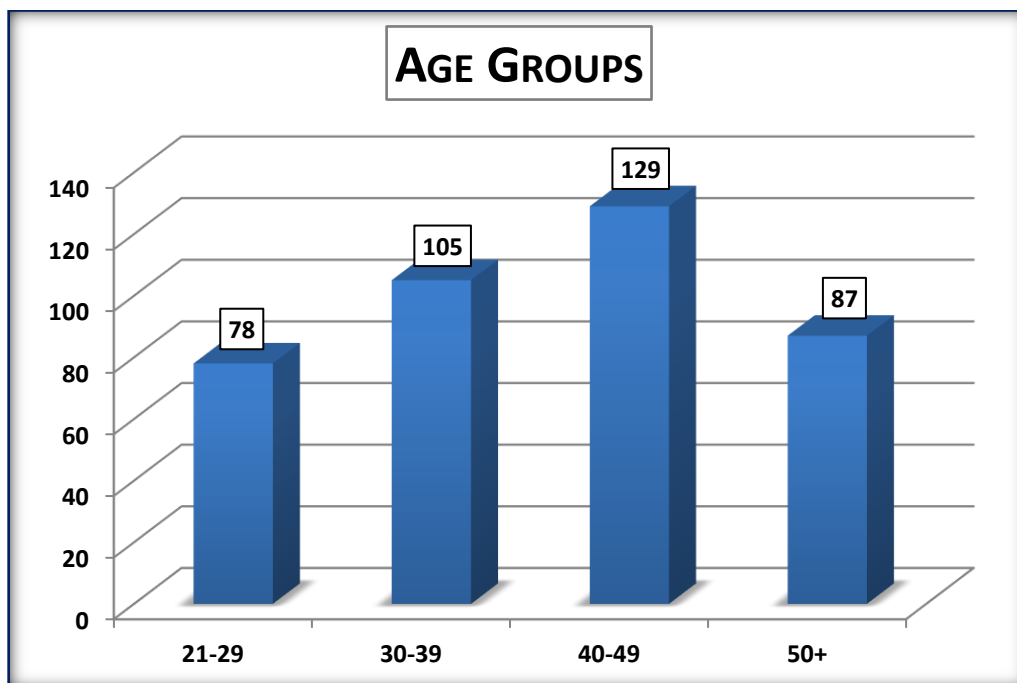
The following chart shows the *identifying gender* of the employees who were the subject of a complaint received in 2021.



In 2021, 88% of the known employees who were the subject of a complaint identify as *male*, and 12% identify as *female*, which is consistent with the data from the previous year (2020).

## Age

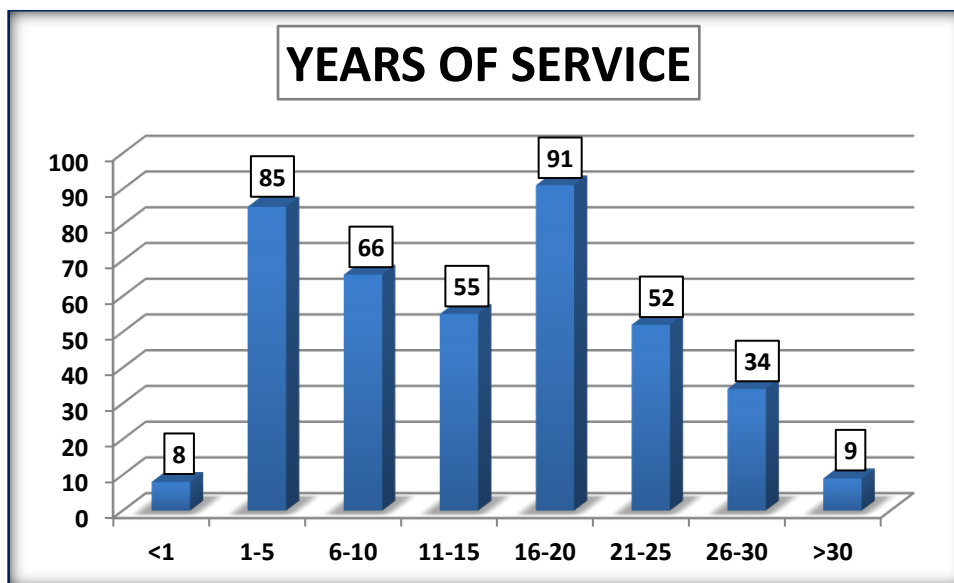
The following chart provides a summary of the *age groups* of the employees who were the subject of a complaint received in 2021.



In 2021, 20% of the known employees who were the subject of a complaint were in the 21-29 age group, 26% were in the 30-39 age group, 32% were in the 40-49 age group, and the remaining 22% were ages 50 and older.

### ***Years of Service***

The chart below summarizes the *years of service* with the department for the employees who were the subject of a complaint in 2021.



In 2021, 23% of the employees who were the subject of a complaint served on the department from 0-5 years, 30% served on the department from 6-15 years, and 47% of employees served on the department for 16 years or more. In 2020, there were fewer employees in the 1-5 year category (63), and none were employed for less than a year.

## SUMMARY

In the past, this report was prepared and presented internally to summarize allegations of misconduct made against employees and used to identify patterns or any other issues requiring corrective action.

This report is the fifth to be released to the public and provides context and analysis of the data made available to the public on the *dataMontgomery* website, <https://data.montgomerycountymd.gov/Public-Safety/Internal-Affairs-Allegations/usip-62e2>, as part of the department's continued commitment to creating and maintaining a culture of transparency and accountability. Openness speaks to the integrity of the police department and builds on the trust and collaboration with our community.

This report is also an integral component of the department's responsibilities as a *Commission on Accreditation for Law Enforcement Agencies* (CALEA)-accredited law enforcement agency. MCPD has been a CALEA-accredited law enforcement agency since 1993. The *CALEA Law Enforcement Accreditation Program* is the primary method for an agency to voluntarily demonstrate their commitment to excellence in law enforcement by systematically conducting an ongoing internal review and assessment of the agencies' operations, policies, and procedures, and makes necessary adjustments to meet a body of internationally accepted standards. The department takes part in this annual administrative review of agency practices, which includes those policies and procedures that relate to the handling of citizen complaints and concerns. The department continues to provide training and implement corrective and disciplinary actions for sustained allegations of violations of department policy, which includes allegations of biased policing.

In 2021, IAD continued to provide training for entry-level and supervisory classes. Training continues to focus on complaint avoidance through professional service delivery, rather than the technical handling of complaints. IAD provided training as part of the in-service supervisory training and covered topics such as how to handle intake complaints and how the formal investigative process works. Training was also provided to residents who attended the Citizen's Academy, community groups, and the County Council Public Safety Committee.

The department's *Body Worn Camera System* (BWCS) program now includes approximately 1,000 officers who are equipped with the technology that helps document interactions between the police and individuals involved in the majority of calls for service. Body worn cameras have proven helpful in resolving complaints in a timelier fashion and in capturing valuable evidence for investigative purposes. The use of this technology has added an additional layer of transparency and accountability to the department's efforts in building trust and improving its standing with the communities it serves throughout the county.

The employees of the Montgomery County Police Department have dedicated their professional lives to making our community safe. In the performance of their duties, they make contact with hundreds of thousands of people each year. Internal Affairs investigations are designed to protect the public, the department, and employees, and to provide the basis for correcting improper employee behavior and ensuring that the department's high standards of professionalism and integrity are maintained. No matter what type of contact you have with a member of the department, you should always be treated with courtesy and professionalism. We remain accountable to those we serve, and we welcome any feedback from members of the public to let us know how we are doing and where we can improve.



**MONTGOMERY COUNTY**  
**DEPARTMENT OF POLICE**

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